

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 130

SENATE BILL 1384

AN ACT

AMENDING SECTION 49-410, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA EMISSIONS BANK.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-410, Arizona Revised Statutes, is amended to
3 read:

4 49-410. Arizona emissions bank

5 A. The department of environmental quality shall establish and
6 administer an Arizona emissions bank. The department shall make information
7 on credits deposited in the Arizona emissions bank easily accessible to the
8 department of commerce and the public.

9 B. After the effective date of rules adopted pursuant to subsection D
10 of this section, a permitted source that reduces emissions of particulate
11 matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, or volatile
12 organic compounds by an amount greater than that required by applicable law,
13 rule, permit or order shall be granted credit in an amount to be determined
14 by the department of environmental quality. The credit shall be deposited
15 into the Arizona emissions bank. To be creditable for deposit in the Arizona
16 emissions bank, the reduction in emissions shall be permanent, quantifiable
17 and otherwise enforceable and shall occur after ~~the effective date of this~~
18 ~~section~~ AUGUST 6, 1999. This section does not prohibit a source from
19 receiving credit by means other than the Arizona emissions bank for emissions
20 reductions that occurred before ~~the effective date of this section~~ AUGUST 6,
21 1999.

22 C. The department of environmental quality shall register, certify or
23 otherwise approve the amount of the credit before the credit is banked and
24 used to offset future increases in the emissions of air pollutants. The
25 credit may be used, traded, sold or otherwise expended within the same
26 nonattainment area, maintenance area or modeling domain in which the
27 emissions reduction occurred, only if there will be no adverse impact on air
28 quality. Pursuant to title 41, chapter 6, article 8, the department may
29 delegate certification of emissions credits to a county or multi-county air
30 quality control region, but shall retain authority to register credits and
31 administer the Arizona emissions bank.

32 D. On or before January 1, 2002, the department of environmental
33 quality shall adopt rules for the implementation and administration of the
34 Arizona emissions bank, and establish the criteria the department will use to
35 determine the amount of the emissions credit. The department shall establish
36 by rule a fee system to administer the Arizona emissions bank. A county that
37 has been delegated authority to certify emissions credits pursuant to
38 subsection C of this section shall establish a fee system to cover the
39 reasonable costs of certification in accordance with section 49-112,
40 subsection B. In setting the fee, the director and a county shall consider
41 the likely economic value of the credits and shall set a fee that does not
42 discourage the banking of emissions credit.

43 E. The program established by this section ends on July 1, 2009 2019.
44 ~~pursuant to section 41-3102.~~

APPROVED BY THE GOVERNOR APRIL 29, 2008.


FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2008.

Passed the House April 15, 20 08,

by the following vote: 39 Ayes,

19 Nays, 2 Not Voting


Speaker of the House


Chief Clerk of the House

Passed the Senate March 13, 20 08,

by the following vote: 21 Ayes,

7 Nays, 2 Not Voting


President of the Senate


Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1384

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 23, 2008

by the following vote: 20 Ayes,

8 Nays, 2 Not Voting

Timothy S. Bee
President of the Senate

Charmain Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

23rd day of April, 2008

at 3:59 o'clock P M.

Jennifer Ybarra
Secretary to the Governor

Approved this 29 day of

April 2008

at 1:45 o'clock P M.

J. N. R.
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 29 day of April, 2008

at 4:00 o'clock P M.

Janice K. Brewer
Secretary of State